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10 | Attorneys for Plaintiff  
11 Stephen J. Schultz

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

15 STEPHEN J. SCHULTZ,  
16 Plaintiff,  
17 vs.  
18 ANDREW SAUL,  
Commissioner of Social Security,  
19 Defendant.  
20 ) Case No.: 2:19-cv-00096-BNW  
 ) STIPULATION AND {PROPOSED}  
 ) ORDER FOR THE AWARD AND  
 ) PAYMENT OF ATTORNEY FEES  
 ) AND EXPENSES PURSUANT TO  
 ) THE EQUAL ACCESS TO JUSTICE  
 ) ACT, 28 U.S.C. § 2412(d) AND  
 ) COSTS PURSUANT TO 28 U.S.C. §  
 ) 1920

22 TO THE HONORABLE BRENDA WEKSLER, MAGISTRATE JUDGE  
23 OF THE DISTRICT COURT:

24 IT IS HEREBY STIPULATED by and between the parties through their  
25 undersigned counsel, subject to the approval of the Court, that Stephen J. Schultz  
26 be awarded attorney fees and expenses in the amount of two thousand three

1 hundred dollars (\$2,300.00) under the Equal Access to Justice Act (EAJA), 28  
 2 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents  
 3 compensation for all legal services rendered on behalf of Plaintiff by counsel in  
 4 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

5 After the Court issues an order for EAJA fees to Stephen J. Schultz, the  
 6 government will consider the matter of Stephen J. Schultz's assignment of EAJA  
 7 fees to Cyrus Safa. The retainer agreement containing the assignment is attached  
 8 as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability  
 9 to honor the assignment will depend on whether the fees are subject to any offset  
 10 allowed under the United States Department of the Treasury's Offset Program.  
 11 After the order for EAJA fees is entered, the government will determine whether  
 12 they are subject to any offset.

13 Fees shall be made payable to Stephen J. Schultz, but if the Department of  
 14 the Treasury determines that Stephen J. Schultz does not owe a federal debt, then  
 15 the government shall cause the payment of fees, expenses and costs to be made  
 16 directly to Law Offices of Lawrence D. Rohlfing, pursuant to the assignment  
 17 executed by Stephen J. Schultz.<sup>1</sup> Any payments made shall be delivered to Cyrus  
 18 Safa.

19 This stipulation constitutes a compromise settlement of Stephen J. Schultz's  
 20 request for EAJA attorney fees, and does not constitute an admission of liability on  
 21 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount  
 22 shall constitute a complete release from, and bar to, any and all claims that Stephen  
 23

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24  
 25 <sup>1</sup> The parties do not stipulate whether counsel for the plaintiff has a cognizable lien  
 26 under federal law against the recovery of EAJA fees that survives the Treasury  
 Offset Program.

1 J. Schultz and/or Cyrus Safa including Law Offices of Lawrence D. Rohlfing may  
2 have relating to EAJA attorney fees in connection with this action.

3 This award is without prejudice to the rights of Cyrus Safa and/or the Law  
4 Offices of Lawrence D. Rohlfing to seek Social Security Act attorney fees under  
5 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

6 DATE: May 1, 2020 Respectfully submitted,

7 LAW OFFICES OF LAWRENCE D. ROHLFING

8 /s/ *Cyrus Safa*

9 BY:

10 Cyrus Safa  
Attorney for plaintiff Stephen J. Schultz

11 DATE: May 1, 2020

12 NICHOLAS A. TRUTANICH  
13 United States Attorney

14 /s/ *Asim Modi*

15 ASIM MODI  
16 Special Assistant United States Attorney  
17 Attorneys for Defendant ANDREW SAUL,  
Commissioner of Social Security  
(Per e-mail authorization)

18  
19 IT IS SO ORDERED

20 DATE: 5/5/2020

21  
22   
23 THE HONORABLE BRENDA WEKSLER  
24 UNITED STATES MAGISTRATE JUDGE

## **PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

6 On this day of May 1, 2020, I served the foregoing document described as  
7 STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES  
8 AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT,  
9 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the  
10 interested parties in this action by placing a true copy thereof enclosed in a sealed  
11 envelope addressed as follows:

12 Mr. Stephen J. Schultz  
867 N. Lamb Blvd. #144  
13 Las Vegas, NV 89110

I caused such envelope with postage thereon fully prepaid to be placed in the  
United States mail at Santa Fe Springs, California.

16 I declare under penalty of perjury under the laws of the State of California  
17 that the above is true and correct.

18 I declare that I am employed in the office of a member of this court at whose  
19 direction the service was made.

**Cyrus Safa**  
TYPE OR PRINT NAME

*/s/ Cyrus Safa* \_\_\_\_\_  
\_\_\_\_\_  
*SIGNATURE*

1  
2                   **CERTIFICATE OF SERVICE**  
3                   **FOR CASE NUMBER 2:19-CV-00096-BNW**  
4

5                   I hereby certify that I electronically filed the foregoing with the Clerk of the  
6 Court for this court by using the CM/ECF system on May 4, 2020.  
7

8                   I certify that all participants in the case are registered CM/ECF users and  
9                   that service will be accomplished by the CM/ECF system, except the plaintiff  
10                  served herewith by mail.  
11

12                  */s/ Cyrus Safa*  
13                  \_\_\_\_\_  
14                  Cyrus Safa  
15                  Attorneys for Plaintiff  
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